PATENT COOPERATION TREATY

om the ITERNATIONAL SEARCHIN	NG AUTHORITY				
To: MICHAEL J. ATKINS 170 HARBOR WAY P.O. BOX 511 SOUTH SAN FRANCISCO, CA 94083-0511			PCT WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		
			(PCT Rule 43bis.1)		
		Date of mailing (day/month/year)	28 UCT 2005		
Applicant's or agent's file reference		FOR FURTHER	FOR FURTHER ACTION See paragraph 2 below		
EX04-066C-PC International application No.	Internati	onal filing date (day/month/year)	Priority date (day/month/year)		
	22 0010	per 2004 (22.10.2004)	24 October 2003 (24.10.2003)		
PCT/US04/35470 International Patent Classifica	tion (IPC) or both nat	ional classification and IPC	27 Comba 2003 (21:10:2003)		
IPC(7): C07D 213/38, 239/47 275, 344 Applicant	, 239/48, 251/52; 31/4	14, 31/505, 31/53 and US Cl.: 544/1	22, 208, 321, 323; 546/288; 514/235.8, 245, 272,		
EXELIXIS, INC.					
1. This opinion contains ind		e following items:			
Box No. I	Basis of the opinion				
Box No. II	Priority				
Box No. III	Non-establishment of	f opinion with regard to novelty, inv	entive step and industrial applicability		
Box No. IV	Lack of unity of invention				
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
Box No. VI	Certain documents cited				
Box No. VII	Certain defects in the	international application			
Box No. VIII	Certain observations	on the international application	·		
2. FURTHER ACTION	1				
International Preliminar	y Examining Authors	rity ("IPEA") except that this doe	Il be considered to be a written opinion of the es not apply where the applicant chooses an the International Bureau under Rule 66.1bis(b) idered.		
IPEA a written reply to:	ether, where appropr	ered to be a written opinion of the riate, with amendments, before the on of 22 months from the priority date.	IPEA, the applicant is invited to submit to the expiration of 3 months from the date of mailing e, whichever expires later.		
For further options, see	Form PCT/ISA/220.				
3. For further details, see n	otes to Form PCT/IS.	A/220.			
<u> </u>	CAL - TO A / TIO	Date of completion of this opinion	Authorized officer		
Name and mailing address of Mail Stop PCT, Attn		1	John		
Commissioner for Pa		18 September 2005 (18.09.2005)	Deepak Rao		
P.O. Box 1450 Alexandria, Virginia	22313-1450		Telephone No. 571-272-1600		
Facsimile No. (703) 305-323			<u> </u>		

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/35470

Box No. I Basis of this opinion				
1. With regard to the language, this opinion has been established on the basis of:				
the international application in the language in which it was filed				
a translation of the international application into, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).				
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:				
a. type of material				
a sequence listing				
table(s) related to the sequence listing				
b. format of material				
on paper				
in electronic form				
c. time of filing/furnishing				
contained in the international application as filed.				
filed together with the international application in electronic form.				
furnished subsequently to this Authority for the purposes of search.				
In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been fued or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.				
4. Additional comments:				

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.	C	.10	- ::
PCT/US04/35470			

Box No. II	I Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
The quest	tions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be ly applicable have not been examined in respect of:
the	entire international application
	ims Nos. <u>36-43</u>
because:	
	e said international application, or the said claim Nos relate to the following subject matter which does not require international search (specify):
► ZI	e description, claims or drawings (indicate particular elements below) or said claims Nos. 36-43 are so unclear that no
L th	te description, claims of drawings (indicate particular elements below) of said olding from the second second (specify):
Т	ne claims are improper multiple dependent claims under PCT Rule 6.4(a).
	the claims, or said claims Nos are so inadequately supported by the description that no meaningful opinion could be cormed (specify):
-	
	no international search report has been established for said claims Nos
	a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:
	furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
	furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
	pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).
	a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.
	the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
	See Supplemental Box for further details.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/35470

applicability; citations and expla	43 bis.1(a)(i) with regard to novelty, invenmentions supporting such statement	
Statement		
Novelty (N)	Claims 1-35	YE
Hotolly (11)	Claims NONE	
Inventive step (IS)	Claims 1-35	
	Claims NONE	
Industrial applicability (IA)	Claims 1-35	YI
	Claims NONE	N
Citations and ownlandings:		
Citations and explanations: aims 1-35 meet the criteria of novelty and invent	ive step set out in PCT Article 33(2)-(3), because t	the prior art does not teach or fa
ggest the instantly claimed compounds, see WO	03/053366.	
aims 1-35 meet the criteria set out in PCT Article	e 33(4), because the compounds are disclosed to be because the subject matter claimed can be made or	e useful as pharmaceutical ager or used in industry.
id thus meet the criteria of moustrial applications	-	-

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged:
- (ii) the claim is cancelled;
- (iii) the claim is new:
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

- 1. [Where originally there were 48 claims and after amendment of some claims there are 51]: Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers. claims 30, 33 and 36 unchanged; new claims 49 to 51 added.
- [Where ongine-ly there were 15 claims and after amendment of all claims there are 11]: Claims 1 to 15 replaced by amended claims 1 to 11.
- 3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in *Claims I to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or adding new claims): "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
- 4. [Where various kinds of amendments are made]: "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14: claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added.

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under

The statement will be published with the international application and the amended claims.

It must be in the Language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submutted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated elected Office, see the PCT Applicant's Guide, Volume II.